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REMARKS/ARGUMENTS

Reconsideration of this application and withdrawal of the Final Action issued September 28, 2004 are respectfully requested.

Constructive Election by Original Presentation

Claims 41 – 51 which were submitted by the Applicant as Paper No. 6 on June 29, 2004, were withdrawn from consideration as being directed to a non-elected invention. Claims 41 – 51 are cancelled without prejudice. Applicant reserves the right to pursue the subject matter claimed in claims 41 – 51 in a divisional application.

Claim Rejections – 35 USC §102

The Office Action rejected claims 1-3, 6-8, 11, 14, 15, 52 and 53 under 35 U.S.C. 102(e) as being anticipated by Holt. Applicant respectfully disagrees.

The Office Action asserts that Holt discloses a method of providing direct access to a voice mail system hosting a voice mail box associated with a service subscriber without first attempting to complete a call to the service subscriber. This is an inaccurate interpretation of Holt and does not accord with the knowledge of a person skilled in the art of the Public Switched Telephone Network (PSTN).

Holt teaches a system and method for routing a call to a voice mail system intended to obviate the necessity of maintaining subscriber information on a service node because not all service nodes (SN's) support the storage of subscriber information (column 1, lines 41-43). Consequently, the subscriber information is stored in a service control point (SCP), which is a well-known control element in the PSTN.

However, as is well understood by persons skilled in the art, a service node cannot and will not initiate a call to a voice mail system unless a call termination is first attempted to the subscriber line. As taught in column 3, lines 25-30, "For example, some call screening plans provide a revert to voice mail feature if the call is not answered by the called party. In addition, some call forwarding services provide a revert to voice mail feature if the call cannot be completed to the called party." As further explained in column 3, lines 33-38, "If a

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call is received by the service node that is associated with a call management service, such as call screening or call forwarding, the service node determines whether a voice mail call should be originated."

Consequently, as would be understood by any person skilled in the art of the PSTN, calls are only received by the service node after an attempt is made to terminate the call to the called party line and the call completion attempt failed due to busy or no answer. It is therefore respectfully submitted that Holt fails to teach or suggest the invention claimed in claims 1-3, 6-8, 11, 14 and 15. The rejection of those claims is thereby traversed.

The Office Action likewise rejected claims 52 and 53 under 35 U.S.C. 102(e) as being anticipated by Holt. Again, Applicant respectfully disagrees. Claim 52 claims a method of providing direct access to a voice mail box of a service subscriber to a voice mail system in a telephone network comprising a step of providing a directory service that permits a requesting party to request a direct call connection to the service subscriber's voice mail box without first attempting to complete a call to the service subscriber. Holt teaches nothing of a directory service, much less permitting a requesting party to request a direct call connection to a service subscriber's voice mail box without first attempting to complete a call to the service subscriber. As is well understood by those skilled in the art, call completion in a public switched telephone network is controlled by a subscriber profile, not by a caller's profile. Consequently, whether a call is completed to the voice mail box of a service subscriber depends on the busy/idle status of the service subscriber's line and/or call screening options dictated by the subscriber profile.

The rejection of claims 52 and 53 is thereby likewise traversed.

Claim Rejections – 35 USC §103

The Office Action rejected claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Holt in view of Tov et al.

Applicant respectfully disagrees.

Tov et al. teach a method to allow Internet service subscribers to expose a person-specific personalization to their "visitor web pages". This service allows a subscriber to build a dedicated web page that is specifically assembled for another person. A visitor, upon

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accessing the web page, has the capability to review static and dynamic information or to call the subscriber using multimedia communications such as Voice-over-IP or send the subscriber information. The page may contain information that is made available only to the subscriber's family, such as the current active policy of the subscriber and the phone number that is closest to him. Such information is made available via the subscriber's policy.

Tov et al. fail to teach or suggest anything respecting the PSTN, call initiation through the PSTN or service features in the PSTN. In paragraph 41, Tov et al. suggest in passing that the visitor, when accessing his personal visitor page, may decide to click this button or link "call button" where he/she will be connected (using a voice or multimedia call) to the subscriber or a subscriber service such as voice mail. However, Tov et al. fail to teach or suggest how such a call through the PSTN is initiated or controlled. In any event, Tov et al. do not teach or suggest any mechanism that would permit a plug-in, Java applet, link or button to directly access a subscriber service such as voice mail. Consequently, any person skilled in the art could only assume that the call was directed to the subscriber line and that access to the voice mail system ensued if a call to the subscriber line found the subscriber line busy or call forwarded.

It is therefore respectfully submitted that a person skilled in the art would be led to using a Java applet, link or plug-in to establish a Voice-over-IP call to a PSTN gateway, but would not be led to or have teachings adequate to establish a call directly to a subscriber's voice mail box. In any event, claim 12 claims that the connection request message conforms to a predetermined format and includes directory numbers for the requesting party, service subscriber and VMS. This is neither taught nor suggested in either of Holt or Tov et al. and the rejection of claims 12 and 13 is traversed.

Claim 54 was rejected for the same reasons as claim 12.

Claim 54 depends from claim 53 and claims a step of receiving at the call control application, the message sent when the requesting party selected the click to voice mail option. Neither Holt nor Tov et al. teach or suggest a call control application as claimed in claim 53. Nor does Holt or Tov et al. teach the step of receiving at the call control application the message sent when the requesting party selected the click to voice mail option. The rejection of claim 54 is thereby traversed.

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The Office Action rejected claim 55 for the same reasons as claim 1.

However, claim 55 depends from claim 54 and the rejection of claim 55 is traversed for reasons set forth above with respect to claims 52 and 54.

The Office Action rejected claims 5 and 10 under 35 U.S.C. 103(a) as being unpatentable over Holt and an article entitled "Signaling System #7". Claims 5 and 10 depend respectively from claims 1 and 6 and the rejection of claims 5 and 10 are traversed for the same reason.

Claims 4 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holt in view of Brunson.

With respect to claim 4, Holt fails to teach or suggest the invention claimed in claim 1 for reasons set forth above in detail with reference to claim 1. The rejection of claim 4 is thereby traversed.

With respect to claim 9, Holt fails to teach or suggest the invention claimed in claim 6 for reasons also set forth above in detail, and the rejection of claim 9 is traversed for the same reasons.

The Office Action rejected claim 65 under 35 U.S.C. 103(a) as being unpatentable over Holt in view of Tov et al. and D'Apuzzo et al.

The Office Action alleges that the combination of Holt and Tov et al. teaches permitting a requesting party to communicate an identifier used to locate a directory record associated with the VMS service subscriber. Applicant respectfully disagrees. Holt teaches by inference that a dialed number can be used to locate a subscriber profile. However, a subscriber profile cannot be equated with a directory record associated with the VMS service subscriber. D'Apuzzo et al. teach an automatic response unit for playing an announcement to a calling party prior to routing a call to a voice mail service provider. However, D'Apuzzo et al. offer the calling party no option. The calling party is routed directly to the audio response unit and the message is played. Thereafter, the calling party is routed directly to a voice mail service and is permitted to leave a message. Consequently, no combination of Holt, Tov et al. and D'Apuzzo et al. teaches or suggests the claimed invention and the rejection of claim 65 is likewise traversed.

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Conclusion


In view of the cancellation of claims 41-51 and for reasons set forth above in detail, it is respectfully submitted that this application is in a condition for allowance. Favourable reconsideration, withdrawal of the Final Action and issuance of a Notice of Allowance are therefore requested.

If for any reason the Examiner disagrees, the Examiner is requested to contact the undersigned by telephone to discuss reasons why allowance should not be granted.

Respectfully submitted,

L. LLOYD WILLIAMS

By:



Frederick S. Burkhart
Registration No. 29 288
Attorney for Applicant

Address:

VAN DYKE GARDNER LINN & BURKHART, LLP
2851 Charlevoix Drive S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49588-8695, USA
Tel: 616-988-4104